WALL STREET JOURNAL
20 JUN 1972

P-Gartner, Michael
Soc. 4.01 NY Times

# Pentagon Papers Intrigue

## The Bookshelf

By MICHAEL GARTNER

On June 17, 1967, Secretary of Defense Robert McNamara launched a "Vietnam History Task Force." "The purpose of the study," as historian and participant Richard Ullman has written, "was not to get at larger questions of right and wrong . . . but to present an account of how it had come about that in the middle of the year 1967 . . . half a million Americans found themselves in South Vietnam fighting a land and air war against a dedicated and intransigent Asian enemy." It was the Secretary's intention that the study be released "a reasonable time after the war was over."

Four years later, the war, of course, was still going on. But on June 13, 1971, The New York Times began to print parts of the study. Under an understated, three-column headline ("Vietnam Archive: Pentagon Study Traces 3 Decades of Growing U.S. Involvement"), it launched a story that together with official documents took up six full pages of the bulky Sunday paper. It was a tremendous story, and it obviously was based on a tremendous security breach.

The immediate reaction, if there was one, was a yawn. But in the next few days, all hell broke loose. By the end of the week, the Pentagon Papers had evolved into the greatest issue on freedom of the press since the trial of John Peter Zenger. The Times and other papers were enjoined from continuing publication of the documents, and then the Supreme Court, in a split vote, ruled that such prior restraint on the press was unconstitutional. The Pentagon Papers quickly became as big an issue in America as the war they reported about.

(Parts of the controversy still continue today. Pretrial argument is currently under way in federal district court in Los Angeles on the government's attempt to prosecute the man who provided the documents to the newspapers. He is charged with 15 counts of stealing, embezzling and converting government documents to his own use.)

So it is only natural that now we are given an archive about this archive, a history of the battles (many of them intramural) surrounding the publishing of the secret papers. This new history is called "The Papers & The Papers" (Dutton, 319 pages, $7.95), and it's interesting, as far as it goes.

Author Sanford J. Ungar, a reporter for The Washington Post, readably relates how the Pentagon Papers were acquired, provides a brief biography (and who wants a longer one?) of culprit-hero Daniel Ellsberg, offers a fascinating and gossipy account of the fighting, infighting and agonizing at the Times and the Post, and serves up a close look at heroes and villains in newsrooms, government offices and judicial chambers. Unfortunately, he doesn't deal very thoroughly with the issues, perhaps because he feels all that was pretty well hashed over at the time.

The book has a diverse and famous cast of characters:

—Here is James Reston, telling the doubters at the Times that if they didn't print the Pentagon Papers he would publish them in the Vineyard Gazette, the paper he owns on Martha's Vineyard.

—Here is Chief Justice Warren Burger, answering a knock of two reporters at his suburban home late one evening—long-barreled gun in hand. (And here is Benjamin Bradlee, courageous news boss of The Washington Post, killing the story about the gun-toting Chief Justice as being too hot to handle in the midst of a court case involving the Post.)

—Here are the lawyers for The New York Times, dropping out of the case on the eve of confrontation because they felt the paper shouldn't print the papers. ("It was like eating a piece of Mexican food," the Times' in-house counsel said of the news that the Times' law firm was dropping out. "It woke you up a little bit.")

—Here is the Solicitor General of the United States, worried that it would be inappropriate to appear in a courtroom wearing brown shoes and a loud tie, calling his wife and asking her to meet him in the courtyard of the Justice Department with black shoes, a somber tie and some sandwiches—so he'd look presentable when he marched in to argue one of the most important cases of our time.

Mr. Ungar has written a book of mystery and intrigue—accounts of midnight flights, secret meetings, tapped telephones, violent arguments—but definitely not a book about the First Amendment and freedom of the press. It's fine as far as it goes, and it's too bad he didn't go further.

But A. M. Rosenthal, managing editor of The New York Times, has provided the postscript that Mr. Ungar has left out. Writing in the Times earlier this month, Mr. Rosenthal said:

"After a year, there still are some questions to be pondered—what happened as the result of publication of the papers, what did it all add up to?

"Some interesting things the government said would happen simply did not. . . .

"Codes would be broken. Military security endangered. Foreign governments would be afraid to deal with us. There would be nothing secret left, and the government could not move for fear of having intricate diplomatic steps made public. The people would lose confidence in government, and inside government confidentiality would be destroyed.

"(Today) the electric code machines hum away. No country seems to have pulled its embassy out of Washington. President Nixon is at the zenith of his diplomatic endeavors and is received more happily in Peking and Moscow than any militant pacifist. No one single instance of military security damage has been surfaced. Henry Kissinger manages to travel to the Soviet Union and China and Paris when reporters think he's at his desk in Washington. And as far as faith in government is concerned, if the Pentagon Papers affected Mr. Nixon's standing in the country, you certainly can't prove it by the polls on popularity or conduct of the war."

But, Mr. Rosenthal goes on, "Some unpleasant things happened, not because of the publication of the papers but because the government rushed into battle against them.

"By far the most important was that for the first time, a government of the United States asked for and courts granted an injunction against newspapers—and prior restraint, death to a free press, had a precedent."

And that's a sad postscript.

P-Ungar, Sanford

Soc. 4.01.2 The Papers & the Papers